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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,382	05/03/2001	Jeffrey Richard Conrad	10006614-1	6078

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EXAMINER	
BRUCKART, BENJAMIN R	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/847,382	CONRAD ET AL.	
	Examiner	Art Unit	
	Benjamin R. Bruckart	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,9-14,16-19 and 21-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,9-14,16-19 and 21-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Status of Claims:

Claims 1-4, 9-14, 16-19, 21-26 are pending in this Office Action.

Claims 1-4, 10-12, 14, 17-19 are amended.

Claims 21-26 are new.

Response to Arguments

Applicant's arguments filed in the amendment filed 8/31/06, have been fully considered but they are moot in view of new grounds of rejection.

Applicant's invention as claimed:

Specification

The disclosure is objected to because of the following informalities: On page 7, third full paragraph, the applicant incorporates a co-pending application by reference. Applicant is reminded that proper incorporation by reference is listed on the first page of the specification and with application numbers, not attorney docket numbers.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-19, 25-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17-19, 25-26 are not limited to tangible embodiments. In view of Applicant's disclosure, specification [page 9, second to last paragraph], the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., CDROM) and intangible embodiments (e.g., signals). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9-14, 16-19, 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Huffaker et al (June 3, 2000).

Regarding claim 1, a method of providing information related to one or more networks (Huffaker: page 1, Abstract: visualizing network data), the method comprising:

displaying on a display a plurality of filter criteria, wherein in the plurality of filter criteria comprises a selectable list of a plurality of status levels (Huffaker: page 10, Fig. 11; Page 3; visualization features);

receiving a user selection of one or more of the plurality of filter criteria, including a selection of at least one of said status levels (Huffaker: pages 8-10; visualization features);

retrieving network device information related to a plurality of network devices in said one or more networks which satisfy said criteria (Huffaker: pages 8-10; input data); and

creating for display on a single display page a visual representation of said network device information (Huffaker: pages 8-10; visualization features), said visual representation comprising a first segment which is visually distinguishable from a second network segment by indicia (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines), wherein said visual representation of the first and second network segments

comprises a plurality of icons representing the plurality of network devices which satisfy said filter criteria (Huffaker: pages 8-10; colors, paths, nodes), and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a first connection between the first and second network segments in order to provide a simplified view to optimize network resources (Huffaker: Fig. 11).

Regarding claim 2, the method of claim 1, wherein said retrieving network device information comprises:

retrieving network segment information for each of said network devices which satisfy said filter criteria (Huffaker: filter to display; limiting display), said network segment information defining which of said first or second network segments to which said each of said network devices is physically connected (Fig.s 9-11).

Regarding claim 3, the method of claim 2, wherein said creating said visual representation of said network device information comprises:

creating said visual representation based on said retrieved network segment information (Huffaker: pages 8-10; input files; page 14).

Regarding claim 4, the method of claim 3, wherein said network segment information includes information related to said first or second segments, and wherein said creating said visual representation of said network device information comprises:

creating said visual representation whereby said visual representation is divided into said first or second segments (Huffaker: Fig. 5).

Regarding claim 9, the method of claim 1, wherein said retrieving network device information further comprises:

retrieving said network device information from a database (Huffaker: pages 1-2).

Regarding claim 10, the method of claim 1, wherein said plurality of filter criteria comprises:

at least one node type (Huffaker: page 3-5; root nodes- non-root nodes).

Regarding claim 11, the method of claim 10, wherein said plurality of filter criteria includes at least one node attribute (Huffaker: page 3-11).

Regarding claim 12, the method of claim 11, wherein said at least one node attribute comprises at least one node status (Huffaker: page 3-11; root or non-root).

Regarding claim 13, the method of claim 1, further comprising: displaying said visual representation (Huffaker: page 1; abstract).

Regarding claim 21, the method of claim 1, wherein the visual representation further comprises a third network which is visually distinguishable from the first and second network segments by indicia (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines, different clusters connected through paths as seen).

Regarding claim 22, the method of claim 22, wherein said visual representation of the third network segment comprises a plurality of icons representing the plurality of network devices which satisfy said selected filter criteria, and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a second connection between the third network segment and either the first or second network segment (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines).

Regarding claim 14, a network management node connected to one or more networks (Huffaker: page 1, Abstract: visualizing network data), said network management node comprising:

a plurality of modules stored on a computer readable medium (Huffaker: pages 1-2); and

a database storing information related to a plurality of network devices in said one or more networks (Huffaker: pages 1-2), wherein said plurality of modules are operable to

display on a display a plurality of filter criteria, wherein in the plurality of filtered criteria comprises a selectable list of a plurality of status levels (Huffaker: pages 8-10; visualization features),

receive a user selection of one or more of the plurality of filter criteria, including a selection of at least one of said status levels (Huffaker: pages 8-10; visualization features);

store filter information regarding said selection of filter criteria in the database (Huffaker: page 10; stored customized labels; otter storage);

retrieve network device information based on said information from said database (Huffaker: pages 8-10); and

create a visual representation comprising a first network segment which is visually distinguishable from a second network segment by indicia (Huffaker: pages 8-10; Fig. 11), wherein said visual representation of the first or second network segments comprises a plurality of icons representing the plurality of network devices which satisfy said filter criteria (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines), and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a first connection between the first and second network segments (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines).

Regarding claim 16, the network management node of claim 14, further comprising:

a network interface operable to transmit said visual representation of said network device information over the Internet (Huffaker: Fig. 11).

Regarding claim 23, the network management node of claim 14, wherein the visual representation further comprises a third network which is visually distinguishable from the first and second network segments by indicia (Huffaker: Fig. 11).

Regarding claim 24, the network management node of claim 23, wherein said visual representation of the third network segment comprises a plurality of icons representing the plurality of network devices which satisfy said selected filter criteria, and wherein said visual

representation illustrates connectivity of said displayed plurality of network devices and illustrates a second connection between the third network segment and either the first or second network segment (Huffaker: Fig. 11).

Regarding claim 17, a computer readable medium on which is embedded a program, the program performing a method for providing information related to one or more networks (Huffaker: page 1, Abstract: visualizing network data), the method comprising:

displaying on a display a plurality of filter criteria, wherein in the plurality of filter criteria comprises a selectable list of a plurality of status levels (Huffaker: pages 8-11);

receiving a user selection of one or more of the plurality of filter criteria, including a selection of at least one of said status levels (Huffaker: pages 8-11);

retrieving network device information based on said selected criteria, said network device information being related to one or more network devices in said a plurality of networks (Huffaker: pages 8-10; input data); and

creating a visual representation a first network segment which is visually distinguishable from a second network segment by indicia (Huffaker: pages 8-10; Fig. 11), wherein said visual representation of the first and second network segments comprises a plurality of icons representing the plurality of network devices which satisfy said filter criteria (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines), and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a first connection between the first and second network segments (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines).

Regarding claim 18, the computer readable medium of claim 17, wherein said plurality of filter criteria comprises: at least one node type (Huffaker: page 3-5; root nodes- non-root nodes).

Regarding claim 19, the computer readable medium of claim 18, wherein said plurality of filter criteria comprises: node status, and at least one status level (Huffaker: page 3-5; root nodes- non-root nodes).

Regarding claim 25, the computer readable medium of claim 17, wherein the visual representation further comprises a third network which is visually distinguishable from the first and second network segments by indicia (Huffaker: Fig. 11).

Regarding claim 26, the computer readable medium of claim 25, wherein said visual representation of the third network segment comprises a plurality of icons representing the plurality of network devices which satisfy said selected filter criteria, and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a second connection between the third network segment and either the first or second network segment (Huffaker: Fig. 11).

REMARKS

Applicant has presented amendments and new claims to distinguish the first and second and new third network segments.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER